REMARKS

This amendment is in response to the Office Action dated August 21, 2008 in which claims 21-38 were rejected. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

I. CLAIM REJECTIONS UNDER §103(a)

Claims 21-38 were rejected under 35 U.S.C. 103(a) as being anticipated by Philippe et al. (WO0158189) in view of Lundby et al. U.S. Pub. No. 2004/0132477.

A. **Claim Amendments**

Claim 21 is amended to include the steps of:

- transmitting at least one bit, called first binary information, through the radio channel; said first binary information being designed for controlling the transmission power of the said first base station; and
- transmitting at least one bit, called second binary information, through the same radio channel; said second binary information being designed to a purpose other than controlling the power of the said first base station.

In addition, claim 21 is amended to specify that, first or second binary information are transmitted individually and periodically such that two consecutive binary information are never assigned to a purpose other than controlling the power of the said first base station, and second binary information is inserted among first binary information.

In other words, two consecutive binary information are never of the "second binary information" type.

Independent claims 37 and 38 are amended similarly.

B. **Lundby et al. (US 2004/0132477)**

Lundby discloses the control of transmit power levels of a plurality of different data streams transmitted from each base station in a first active set and received at a mobile station. This document proposes also to control transmit power levels of a plurality of different data streams transmitted from each base station in a second active set.

Lundby does not disclose the use of a physical channel dedicated to periodically and individually transmit binary information, including first binary information for controlling the

transmission power of a first base station and second binary information assigned to a purpose other than controlling the power of the first base station.

As a consequence, Lundby is not relevant toward claims 21, 37 or 38.

C. **Philippe et al. (WO0158189)**

Applicant already discussed this document in response to the first Office Action.

A main disadvantage of the technique from Philippe is that a special uplink channel (channel USDCH) must be used to carry some information for controlling the unidirectional network (simplex network 5) of a user equipment toward the bidirectional network (duplex network 4).

According to Philippe, a dedicated channel must be used to transmit information for controlling the unidirectional network 5. As a consequence, original claim 21 was already new with respect to Philippe, which does not disclose the features of original claim 21, and Philippe is still not relevant toward amended claim 21.

D. **Philippe and Lundby Combination**

Neither Philippe nor Lundby suggests using a single channel to periodically and individually transmit binary information, including first binary information for controlling the transmission power of a first base station and second binary information assigned to a purpose other than controlling the power of the said first base station.

Indeed, according to an example discussed in Applicants' specification, a single and unique physical radio channel is used. Through this channel frames are carried. Each frame comprises at least one bit dedicated to controlling the transmission power of a first base station or assigned to another purpose (see the English specification - figure 5, page 13 line 11 to page 14 line 3).

Second binary information designed to a purpose other than controlling the power of a first base station is therefore inserted on the channel carrying first binary information for controlling the transmission power of the first base station, among first binary information. Moreover, two consecutive binary information are never assigned to a purpose other than controlling the power of the said first base station. In other words, two consecutive binary information are never of the

"second binary information" type.

As a consequence, amended claims 21, 37 and 38 are patentable over Philippe et al. (WO0158189) in view of Lundby et al. (US 2004/0132477).

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